

1 SHAUN SETAREH, State Bar No. 204514
2 THOMAS SEGAL, State Bar No. 222791
3 SETAREH LAW GROUP
4 9454 Wilshire Boulevard, Suite 907
5 Beverly Hills, California 90212
6 Telephone: 310.888-7771
7 Facsimile: 310.888-0109

8 Attorneys for Plaintiffs
9 ANDRÉ SCOTT, KEN FASSLER, and ELIJAH MAXWELL-WILSON

10 DARYL S. LANDY, State Bar No. 136288
11 MORGAN, LEWIS & BOCKIUS LLP
12 600 Anton Boulevard, Suite 1800
13 Costa Mesa, California 92626-7653
14 Telephone: 714.830.0600
15 Facsimile: 714.830.0700
16 daryl.landy@morganlewis.com

17 JENNIFER SVANFELDT, State Bar No. 233248
18 MORGAN, LEWIS & BOCKIUS LLP
19 One Market, Spear Street Tower
20 San Francisco, California 94105-1596

21 Telephone: +1.415.442.1000
22 Facsimile: +1.415.442.1001
23 jennifer.svanfeldt@morganlewis.com

24 Attorneys for Defendant
25 COMCAST CABLE COMMUNICATIONS
26 MANAGEMENT, LLC

27 UNITED STATES DISTRICT COURT
28 NORTHERN DISTRICT OF CALIFORNIA

ANDRE SCOTT, an individual; KEN
FASSLER, an individual; ELIJAH
MAXWELL-WILSON, an individual, and on
behalf of themselves, all others similarly
situated,

Plaintiffs,

v.

COMCAST CABLE COMMUNICATIONS
MANAGEMENT, LLC, a Delaware
corporation; and DOES 1-50, inclusive,

Defendants.

Case No. 3:16-cv-06869-EMC

**THIRD STIPULATION TO FURTHER
EXTEND DEADLINE TO RESPOND
TO THE COMPLAINT PENDING
PLAINTIFFS' NOTICE OF DISMISSAL
OF PLAINTIFFS ANDRE SCOTT AND
ELIJAH MAXWELL-WILSON'S
CLAIMS UNDER THE FAIR LABOR
STANDARDS ACT, 29 U.S.C. §§ 201, *ET
SEQ.***

Complaint Filed: November 30, 2016

STIPULATION

Pursuant to Federal Rule of Civil Procedure 15(a)(3) and L.R. 6-1, Plaintiffs Andre Scott, Ken Fassler, and Elijah Maxwell-Wilson (“Plaintiffs”) and Defendant Comcast Cable Communications Management, LLC (“Defendant”) (collectively, the “Parties”), through their undersigned counsel of record, stipulate that Defendant’s deadline for responding to the First Amended Complaint be extended for a short time. In support of their Stipulation, the Parties state as follows:

WHEREAS, Plaintiffs filed the Complaint on November 30, 2016, which they served on Defendant on December 1, 2016;

WHEREAS, the Parties previously stipulated to extend Defendant’s deadline to file its responsive pleading to January 20, 2017 (Dkt. 6) to allow the Parties time to meet and confer regarding Defendant’s contention that the Complaint was deficient;

WHEREAS, on January 13, 2017, Plaintiffs agreed to file a First Amended Complaint to address some of the asserted deficiencies in the Complaint;

WHEREAS, on January 18, 2017, the Parties stipulated to extend Defendant’s deadline to file its responsive pleading to 14 days after the date Plaintiffs filed the First Amended Complaint (Dkt. 16), and the Court approved this stipulation (Dkt. 17);

WHEREAS, on January 31, 2017, Plaintiffs filed the First Amended Complaint (Dkt. 18);

WHEREAS, on February 8, 2017, the Parties met and conferred regarding whether Plaintiffs Andrew Scott and Elijah Maxwell-Wilson would dismiss their claims alleged in the Sixth Claim for Relief under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. Sections 201, *et seq.*;

WHEREAS, on February 14, 2017, Plaintiffs Scott and Maxwell-Wilson agreed to dismiss their claims under the FLSA;

WHEREAS, in accordance with Federal Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiffs will file a Notice of Dismissal of the FLSA claim in the Sixth Claim for Relief as to Plaintiffs Scott and Maxwell-Wilson (“Notice of Dismissal”) by February 17, 2017;

WHEREAS, the Parties agree that it does not make sense for Defendant to file a

responsive pleading to the First Amended Complaint when Plaintiffs Scott and Maxwell-Wilson intend to file the Notice of Dismissal, that extending Defendant's deadline may avoid a motion attacking the pleadings under Federal Rule of Civil Procedure 12(b)(6), and therefore that Defendant's response deadline will be extended to seven (7) days after the date that Plaintiffs file the Notice of Dismissal pursuant to Federal Rule of Civil Procedure 15(a)(3);

WHEREAS, assuming Plaintiffs file a Notice of Dismissal no later than February 17, 2017, extending the time for Defendant to file its response to seven (7) days after the date Plaintiffs file the Notice of Dismissal will not alter the date of any event or any deadline already fixed by Court order.

THEREFORE, IT IS HEREBY STIPULATED AS FOLLOWS: Defendant's responsive pleading will be due seven (7) days after the date Plaintiffs file the Notice of Dismissal.

IT IS SO STIPULATED.

Dated: February 14, 2017

SETAREH LAW GROUP

By /s/ Thomas Segal
Shaun Setareh
Thomas Segal

Attorneys for Plaintiffs
ANDRE SCOTT, KEN FASSLER, and
ELIJAH MAXWELL-WILSON

Dated: February 14, 2017

MORGAN, LEWIS & BOCKIUS LLP

By /s/ Daryl S. Landy
Daryl S. Landy
Jennifer Svanfeldt

Attorneys for Defendant
COMCAST CABLE COMMUNICATIONS
MANAGEMENT, LLC

ATTESTATION RE ELECTRONIC SIGNATURES

I, DARYL S. LANDY, attest pursuant to Northern District Local Rule 5-1(i)(3) that all other signatories to this document, on whose behalf this filing is submitted, concur in the filing's content and have authorized this filing. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: February 14, 2017

/s/ Daryl S. Landy
Daryl S. Landy

~~PROPOSED~~ ORDER

For the reasons stated in the Parties' Stipulation, Defendant's responsive pleading deadline is extended to seven (7) days after Plaintiffs' Notice of Dismissal is filed.

IT IS SO ORDERED.

